

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

EVA P. HOBSON,  Plaintiff,  vs.  CAROLYLN W. COLVIN, Acting Commissioner, Social Security Administration,  Defendant.	4:12-CV-04095-KES  ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING COMPLAINT
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Plaintiff, Eva P. Hobson, filed this pro se action seeking a review of the Commissioner's denial of benefits by filing a one-page, non-specific complaint. After reviewing the complaint, a subsequent filing by Hobson, and the record provided by the administrative agency, this court determined that the record before the court did not include the information necessary to address all the issues raised by Hobson. As a result, the court issued an order directing the Social Security Administration to produce the appropriate administrative records. Additionally, both parties were ordered to submit further argument on the issue of whether Hobson's claims were ripe for judicial review. Both parties have complied.

The case was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A) for a report and recommendation. On April 6, 2015, Magistrate Judge Veronica Duffy submitted her report and recommendation for disposition of this case to the court. Docket 31. Hobson objects to the proposed findings and recommendations pursuant to 28 U.S.C. § 636(b)(1). Docket 32.

The court reviewed the matter de novo and accepts the findings and recommendations of Magistrate Judge Duffy.

This court does not have jurisdiction to review an action of the Commissioner of Social Security unless the claimant has exhausted her administrative remedies. *See* 42 U.S.C. §§ 405(g) and (h); *Degnan v. Burwell*, 765 F.3d 805, 808 (8th Cir. 2014). Hobson did not exhaust her administrative remedies for her benefits which were discontinued in 1996 after having been awarded to her under her 1992 SSI application. Similarly, she did not exhaust her administrative remedies with regard to her 2005 and 2006 SSI applications. As a result, this court does not have jurisdiction to review the actions of the Commissioner of Social Security.

After de novo review of the matter, including careful review of the administrative record and all of the parties' briefs, the court concurs with Magistrate Judge Duffy's recommendation for the reasons stated above and those set forth in the report and recommendation. The report and recommendation is adopted in full. Therefore, it is

ORDERED that the complaint is dismissed without prejudice for lack of jurisdiction.

Dated April 29, 2015.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER  
UNITED STATES DISTRICT JUDGE